

**DELTA PROTECTION COMMISSION**

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January 28, 2011

Delta Stewardship Council  
Attn: Ms. Terry Macaulay  
980 Ninth Street, Suite 1500  
Sacramento, California 95814

**VIA E-MAIL**

**SUBJECT:** Notice of Preparation (NOP) for the Draft Environmental  
Impact Report (EIR) for the Delta Plan

Dear Ms. Macaulay:

The Delta Protection Commission (Commission) would like to take this opportunity to comment on the NOP for the EIR for the Delta Plan. In doing so, the Commission notes that this is a preliminary comment and the Commission will likely have further comments as the NOP proceeds and the Delta Stewardship Council (DSC) produces its planned drafts of the Delta Plan.

Given its legislative responsibility to inform the DSC regarding the socioeconomic sustainability of the Delta region (Public Resources Code Section 29759(a)) and to review and provide comments to the DSC on significant projects or proposed projects in the Delta Plan (Public Resources Code Section 29773 (a)), the Commission believes it is appropriate to offer several observations regarding the NOP process and the development of the Delta Plan.

The Commission bases these comments on staff and consultant presentations on the National Heritage Area study, the Economic Sustainability Plan study, the Primary Zone study, public comments following these presentations, as well as our own analysis of the NOP and the proposed Delta Plan. Commissioners have also participated in many community meetings regarding the development of the Delta Plan as well as the BDCP and the development of the Delta Conservancy Strategic Plan and have derived from those meetings what is believed to be the essential elements of a successful Delta Plan.

In order for the Delta Plan to be successful and acceptable to those who will be impacted, and in order for the Delta Plan to be successfully implemented, the following elements must be included in the Delta Plan and its implementation:

1. **Delta Plan Basis.** The Delta Plan must be based on the best available, peer-reviewed, science as required by Section 85308 in the Delta Reform Act. The co-equal goals shall be achieved for the protection and enhancement of the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place as required by Section 85054 in the Delta Reform Act.
2. **Agriculture.** Delta agriculture must be protected and enhanced. In this regard, it will be essential to determine what water is truly surplus to the Delta's need, what flows into and out of the Delta are necessary, what water quality regimes are necessary to meet laws already in place, and what water can safely be exported out of the Delta and its watershed. Understanding that water quality and water flows are not within the jurisdiction of the DSC, conclusions advanced by the DSC can have a significant impact on responsible departments and agencies.
3. **Flood Control and Levee Maintenance.** Delta flood control and levee maintenance must be provided for. Delta legacy communities need to be fully supported and protected. The concept of the Delta as a place must be expressly reflected in Delta Plan elements, including elements for recreation, agriculture, fishing and boating. The Economic Sustainability Plan should further define what actions should be taken to support and sustain legacy communities.
4. **Mitigation of Impacts.** The Delta Plan must expressly provide for the full mitigation of adverse impacts of implementation of the Delta Plan and must include a financial plan to pay for such mitigation. Those who benefit from the implementation of the Delta Plan should pay for those benefits and those whose adverse impacts on the Delta are mitigated by implementation of the Delta Plan should pay for such mitigation.
5. **Range of Alternatives.** A full range of alternatives for dealing with water exports must be considered, including a "no isolated conveyance" alternative.
6. **Water Rights.** The Delta Plan must include protection of water rights and be consistent with area of origin laws and the "common pool" theory for Delta waters.
7. **Economies of Scale.** Economies of scale are necessary for efficient input into sustaining agriculture. The EIR must also ensure that the various alternatives being considered are evaluated as to the potential effects on agriculture and the industries that support agriculture. Maintaining a 'critical mass of farms,' is essential in order to ensure that the Delta is truly economically sustainable. Activities and facilities which support agriculture, such as agricultural labor camps and housing, farm stands, and agritourism, also need to be considered in the EIR. Delta agricultural production is a

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significant part of the statewide economy contributing in excess of \$1 billion in direct and indirect economic value and accounts for 38% of the jobs in the Primary Zone.

8. **Recreation and Tourism.** Other key drivers of the Delta economy are recreation and tourism; these include activities such as boating, fishing, hunting, bird watching, hiking, biking and sightseeing. It is estimated that there are over 7.4 million boating visitor days in the Delta; therefore, impacts to recreation and tourism from proposed alternatives need to be a part of the EIR.
9. **Land Use.** Land use changes that may result from infrastructure changes, such as an isolated facility, must evaluate for impacts on the Delta residents population and impacts to the Delta economy.
10. **Habitat Corridors.** Habitat corridors must take into consideration and to the extent possible integrate both proposed public corridors with habitat established on private lands. Any public expansion of habitat that incorporates private land should evaluate impacts on economic activity, including local taxes, its affects on local governments and economic impacts beyond the Delta region. The Delta Plan should also include the Delta Long Term Management Strategy (LTMS) for dredging, which includes the reuse of dredged material for environmental and levee restoration projects.

The Commission understands the difficult task that the DSC faces in crafting a successful Delta Plan. The Commission will continue to assist the DSC in its work. As we move forward together in this effort, the Commission is mindful of what has been expressed from our Delta constituents: make sure that local voices are heard, that local governance is maintained, and that reasonable, cost-effective and successful solutions to the Delta's problems can only be successfully provided when those who are governed by the Delta Plan are included in a full, fair and effective way in the development and implementation of the Delta Plan. Coincidentally, this is also the message of Governor Brown in his efforts to bring a cohesive, cost controlling, and efficient solutions to the State's problems by shifting decision making to those entities closest to the people.

The Commission looks forward to collaborating with the DSC in this endeavor and knows that, by working in concert with the DSC and the Delta Conservancy, the Delta's ecosystem, economy and people will be best served.

Sincerely,



Don Nottoli  
Chair